

Appl. No. 10/644,286
Atty. Docket No. 9001
Amdt. dated August 19, 2005
Reply to Office Action of 7/22/2005
Customer No. 27752

REMARKS/ARGUMENTS

At the outset, Applicants' Attorney (undersigned) professes some confusion regarding the substance of the Restriction Requirement.

At page 2 of the Office Action, Examiner states:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-17 and 20, drawn to organic solvent based composition, classified in class 510, subclass 417.*
- II. Claims 18-19, drawn to method of automatic cleaning, classified in class 134, subclass 18.*

The inventions are distinct, each from the other because of the following reasons:

Inventions (I, III) and II are related as product and process of use. (etc.)

The confusion arises with respect to the "III" designation. Presumably, this is a mere transcribing error, and only Groupings I (Claims 1-17 and 20) and II (Claims 18-19) were intended to be encompassed by the Restriction Requirement.

Applicants respectfully traverse the Restriction Requirement, for the reasons given hereinafter.

At the outset, it is noted that under 37 CFR 1.475, unity of invention exists as to a group of inventions so linked as to form a single inventive concept, as by a "product and a process of use of said product."

In the present claim set, the method of use claims relate back to the compositional elements of product Claim 1, slightly narrowed to reflect the yield value of product Claim 15 and the definition of "effective amount of water" based on STPP hydration, per product Claim 6.

Thus, it is submitted that the method of use claims and product claims are fully linked, thereby establishing Unity of Invention under 37 CFR 1.475(2), as a matter of law [cited at MPEP 1850].

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Moreover, under MPEP 821.04, when a product claim is found allowable, claims directed to a process for using said product can be presented by way of Rejoinder, and such claims will be "entered as a matter of right. . . ."

Indeed, under MPEP 821.04, ". . . applicants are encouraged to present such process claims, preferably as dependent claims, in the application at an early stage" to expedite prosecution. [emphasis supplied]

Accordingly, it is submitted that handling all claims now, at "an early stage" and in a single application, would constitute better use of the Examiner's time and Applicants' resources, and would expedite prosecution pursuant to the clear mandate of MPEP 821.04.

Reconsideration and withdrawal of the Restriction Requirement and prosecution of all claims in a single application are therefore requested.

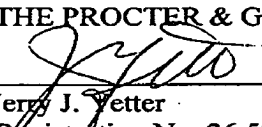
Election of Invention to be Examined

In the event the Restriction Requirement is maintained, Applicants elect Claims 1-17 and 20 (Group I) to be examined, holding Claims 18-19 (Group II) in abeyance for such later separate prosecution or Rejoinder, as may be appropriate. This election is without prejudice to Applicant's right to Petition the Restriction Requirement.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Jerry J. Yetter
Registration No. 26,598
(513) 627-2996

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